

Article - Natural Resources

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§3–905.

(a) The Authority is granted and has and may exercise all powers necessary for carrying out the purposes of this subtitle, including but not limited to, the following rights and powers:

- (1) To have perpetual existence as a corporation;
- (2) To adopt bylaws, rules, regulations, policies, and procedures for the regulation of its affairs and the conduct of its business;
- (3) To adopt an official seal and alter the same at pleasure;
- (4) To maintain an office or offices at such place or places as it may designate;
- (5) To appoint officers, agents and employees, and to prescribe their duties and to fix their compensation as set forth in this subtitle;
- (6) To sue and be sued in its own name;
- (7) To acquire, construct, reconstruct, rehabilitate, improve, maintain, equip, lease (as lessor or as lessee), repair, and operate projects within or without the State of Maryland and to establish reasonable rules and regulations relating to any project;
- (8) To acquire, purchase, hold, lease as lessee, and use any franchise, patent or license and any property (real, personal or mixed or tangible or intangible), or any interest therein, necessary or convenient for carrying out the purposes of the Authority;
- (9) To sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it;
- (10) To acquire, either directly or by or through any person or political subdivision, by purchase or by gift or devise such lands, structures, property (real or personal) rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights which are located within or without the State as it may deem necessary or convenient for the construction or operation of a project, upon such terms and at such prices as may be considered by it

to be reasonable and can be agreed upon by it and the owner thereof, and to take title thereto in the name of the Authority;

(11) To borrow money and to issue bonds for the purpose of paying all or any part of the cost of any one or more projects or for any other corporate purpose of the Authority; to secure the payment of such borrowing or any part thereof by pledge of or mortgage or deed of trust on all or any part of its properties or revenues; to combine projects for financing or operating purposes; to make agreements with or for the benefit of the purchasers or holders of bonds or with others in connection with the issuance of any such bonds, whether issued or to be issued, as the Authority may deem advisable; and in general to provide for the security of such bonds and the rights of the holders thereof;

(12) To take and hold title to any project which may be transferred to the Authority, and to assume jurisdiction over and provide for the maintenance and operation of said project, all on such terms as may be mutually agreed upon between the Authority and the transferor. The Authority may contract with any subdivision to assume the payment of the principal of and interest on obligations or indebtedness of such subdivision incurred in connection with any project and may undertake to operate any project in such a manner as to provide for the payment of all outstanding obligations or indebtedness applicable to such project and the interest thereon and to transfer to the appropriate subdivision an amount equal to the debt service payments prior to the applicable payment date;

(13) To fix and revise from time to time and to collect rates, rentals, fees, and charges for the use of or for services and facilities provided or made available by the Authority;

(14) To make and enter into contracts with the federal or any state government (or any agency, instrumentality or subdivision thereof) or with any subdivision or person within or without the State of Maryland providing for or relating to the acquisition, construction, management, operation, and maintenance of any project or the furnishing of services by or to any project or in connection with the services of any project owned, operated, or controlled by the other contracting party; such contracts may make provision for:

(i) The payment by the other contracting party to the Authority of a fixed amount for the collection, processing, or disposal of a stated amount of waste (whether or not the stated amount of waste is collected, processed or disposed of), or of all or any portion of the operating expenses of one or more projects;

(ii) The utilization by the other contracting party of one or more projects for the processing or disposal of all or any portion of waste over which such party has control;

(iii) The collection by the other contracting party or its agents or by agents of the Authority of fees, rates or charges for the services and facilities rendered to a subdivision or the inhabitants thereof, and for the enforcement of delinquent charges for such services and facilities; or

(iv) The abandonment or restriction or prohibition of the construction or operation of competing facilities. The provisions of any such contract with a subdivision shall be deemed to be for the benefit of bondholders as designated by the Authority and may be made irrevocable so long as any bonds of the Authority secured by such contract shall be outstanding;

(15) To make and enter into all contracts or agreements which the Authority determines are necessary or incidental to the performance of its duties and to the execution of the purposes of and the powers granted by this subtitle, including (without limitation) contracts relating to:

(i) The use or management by the other contracting party of any project or the services therefrom or the facilities thereof;

(ii) The use by the Authority of the services or facilities of any project owned, leased, operated or controlled by the other contracting party;

(iii) The sale of any fuel, steam, electricity, energy, or other material or resource derived from the operation of any project;

(iv) The acceptance, processing and disposal of wastes by one or more projects; or

(v) The employment or retention of consulting and other engineers, superintendents, financial advisors, attorneys, accountants, and such other employees, advisors or agents as in the judgment of the Authority may be deemed necessary or desirable;

(16) To enter with the permission of the owner upon lands, waters, or premises for the purpose of making surveys, soundings, borings, and examinations to accomplish any purpose authorized by this subtitle, the Authority being liable for any actual damage done;

(17) To make application for, receive and accept from the federal or any state government (or any agency, instrumentality, or subdivision thereof) or from

any person grants relating to the Authority or any project, including (without limitation) grants for or in aid of the planning, financing, construction, acquisition, maintenance, or operation of any project; to receive and accept aid or contributions from any source, whether in the form of money or property, labor, or other things of value; and to participate in any price support program, loan program or other program of the federal or State government relating to waste disposal, resource recovery or energy generation;

(18) To make rules and regulations pertaining to the Authority and projects, which rules and regulations may (without limitation) exclude or require preconditioning of any waste that might otherwise be harmful to the project or its efficient operation or endanger the health or safety of workers or others;

(19) To enter into agreements with the Maryland Environmental Service providing for the assumption by the Maryland Environmental Service of such activities of the Authority as the Authority may deem necessary or desirable to effectuate its purposes, including agreements relating to the exchange of information between the Authority and the Maryland Environmental Service, the sharing of planning resources, the provision by the Maryland Environmental Service of personnel, consulting services and technical assistance to the Authority, and the acquisition, construction, supervision, operation or maintenance of one or more projects by the Maryland Environmental Service; and

(20) To do all things necessary to carry out its purposes and for the exercise of the powers granted in this subtitle.

(b) Anything in this subtitle to the contrary notwithstanding, the Authority does not have any power to acquire, construct, operate, finance, or otherwise provide any project located outside the boundaries of the participating counties and within the State of Maryland unless:

(1) The project is included in a service region plan adopted and approved pursuant to § 3-106 of this title; and

(2) The project is consistent with any plan which has been adopted by the subdivision in which the project is to be located and which has been approved by the Department of the Environment pursuant to Title 9 of the Environment Article.

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